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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. C94 2307 CW

**~~PROPOSED~~ STIPULATED ORDER
CONFIRMING UNDISPUTED
ATTORNEYS' FEES AND COSTS
FOR THE FOURTH QUARTER OF
2018**

Judge: Hon. Claudia Wilken

Case No. C94 2307 CW

**~~PROPOSED~~ STIPULATED ORDER CONFIRMING UNDISPUTED ATTORNEYS' FEES AND COSTS FOR THE
FOURTH QUARTER 2018**

1 On March 26, 1997, the District Court established procedures by which Plaintiffs
2 are to collect periodic attorneys' fees and costs in this case in connection with their work
3 monitoring Defendants' compliance with the Court's Orders and collecting fees.

4 Pursuant to these procedures, on January 18, 2019, Plaintiffs served on Defendants
5 their Fourth Quarterly Statement for 2018 by overnight delivery. The parties completed
6 their meet-and-confer process on March 6, 2019 as to the fees and costs incurred on all
7 matters.

8 As a result of the March 6, 2019 agreement, the parties agree to the following:

9 The parties agree to the payment of \$1,256,784.34 to resolve all fees and costs
10 incurred during the Fourth Quarter of 2018, for monitoring and/or litigation activities in
11 the California Department of Corrections of Rehabilitation Division of Adult Operations
12 and Adult Programs (CDCR AOAP) portion of the case. Attached hereto as **Exhibit A** are
13 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by
14 the parties to settle these claims.

15 The parties agree to the payment of \$86,039.36 to resolve all fees and costs incurred
16 during the Fourth Quarter of 2018, for monitoring and/or litigation activities in the Board
17 of Parole Hearings (BPH) portion of the case. Attached hereto as **Exhibit B** are charts
18 setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the
19 parties to settle these claims.

20 The parties agree to the payment of \$214,040.36 to resolve all fees and costs
21 incurred during the Fourth Quarter of 2018, for monitoring and/or litigation activities in
22 the Division of Adult Parole Operations (DAPO) portion of the case. Attached hereto as
23 **Exhibit C** are charts setting forth the fees and costs claimed by Plaintiffs and the amounts
24 agreed to by the parties to settle these claims.

25 The parties agree to the payment of \$13,311.87 to resolve all fees and costs incurred
26 during the Fourth Quarter of 2018, for fees work. Attached hereto as **Exhibit D** are charts
27 setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the
28 parties to settle these claims.

1 IT IS HEREBY ORDERED that the amounts set forth above are due and
2 collectable as of forty-five days from the date of entry of this Order. Interest on these fees
3 and costs will run from February 19, 2019, accruing at the rate provided by 28 U.S.C.
4 § 1961.

5
6 DATED: 3/12/2019



Claudia Wilken
United States District Judge

8
9 APPROVED AS TO FORM:

10
11 DATED: March 6, 2019

/s/Sharon Garske

Sharon Garske
Deputy Attorney General
Attorney for Defendants

12
13
14
15 DATED: March 6, 2019

/s/Gay Crosthwait Grunfeld

Gay Crosthwait Grunfeld
Rosen Bien Galvan & Grunfeld LLP
Attorney for Plaintiffs

EXHIBIT A

Armstrong v. Brown
Fourth Quarterly Statement of 2018
October 1, 2018 through December 31, 2018

CDCR/AOAP SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
CDCR/AOAP MONITORING	\$1,221,013.92	\$35,770.42
	TOTAL UNDISPUTED:	\$1,256,784.34

Armstrong v. Brown
Fourth Quarterly Statement of 2018
October 1, 2018 through December 31, 2018
Matter: CDCR/AOAP Monitoring/Merits

<u>Monitoring (581-3)</u>	Actual	Claimed	2018		Fees Now Owing
	Hours	Hours	Rates	Total	Per Negotiated Compromise
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Michael W. Bien (MWB)	1.70	1.70	\$965	\$1,640.50	\$1,574.88
Gay C. Grunfeld (GCG)	24.90	24.90	\$835	\$20,791.50	\$19,959.84
Ernest Galvan (EG)	1.6	0	\$780	\$0.00	\$0.00
Penny Godbold (PG)	312.50	309.00	\$675	\$208,575.00	\$200,232.00
Thomas Nolan (TN)	184.90	182.20	\$700	\$127,540.00	\$122,438.40
Lisa Ells (LAE)	0.20	0.00	\$650	\$0.00	\$0.00
Michael L. Freedman (MLF)	48.70	47.20	\$585	\$27,612.00	\$26,507.52
Ben Bien-Kahn (BBK)	151.30	150.50	\$535	\$80,517.50	\$77,296.80
Krista Stone-Manista (KSM)	51.80	49.60	\$535	\$26,536.00	\$25,474.56
Jenny Yelin (JY)	22.20	21.80	\$525	\$11,445.00	\$10,987.20
Hugo D. Cabrera (HDC)	51.40	51.40	\$410	\$21,074.00	\$20,231.04
Karen Stilber (KES)	137.60	134.90	\$340	\$45,866.00	\$44,031.36
F. Gail LaPurja (FGL)	0.10	0.00	\$275	\$0.00	\$0.00
Greg Gonzalez (GZG)	55.40	54.80	\$275	\$15,070.00	\$14,467.20
Fely F. Villadelgado (FFV)	0.40	0.00	\$275	\$0.00	\$0.00
Dylan Verner-Crist (DVC)	77.30	72.00	\$240	\$17,280.00	\$16,588.80
Marcus V. Levy (MVL)	0.50	0.00	\$240	\$0.00	\$0.00
Nathalie Welch (NW)	28.00	16.70	\$240	\$4,008.00	\$3,847.68
Hanna Wallace (HW)	334.40	321.40	\$240	\$77,136.00	\$74,050.56
Michael Brier (MB)	170.00	140.40	\$225	\$31,590.00	\$30,326.40
Total Hours:	1,654.90	1,578.50		\$716,681.50	\$688,014.24
RBGG CLAIMED FEES:					
<u>PRISON LAW OFFICE</u>					
Donald Specter (DS)	8.10	8.10	\$965	\$7,816.50	\$7,503.84
Sara Norman (SN)	4.40	4.40	\$790	\$3,476.00	\$3,336.96
Corene Kendrick (CK)	3.90	3.90	\$675	\$2,632.50	\$2,527.20
Rita Lomio (RL)	164.00	164.00	\$615	\$100,860.00	\$96,825.60
Thomas Nosewicz (TMN)	96.90	96.90	\$585	\$56,686.50	\$54,419.04
Margot Mendelson (MM)	57.30	57.30	\$535	\$30,655.50	\$29,429.28
Camille Woods (CW)	86.70	86.70	\$350	\$30,345.00	\$29,131.20
Amber Norris (AN)	151.30	151.30	\$335	\$50,685.50	\$48,658.08
Megan Lynch (ML)	289.20	289.20	\$335	\$96,882.00	\$93,006.72
Sarah Hopkins (SH)	128.90	128.90	\$300	\$38,670.00	\$37,123.20
Alayna O'Bryan	70.80	70.80	\$275	\$19,470.00	\$18,691.20
Tania Amarillas (TA)	20.30	20.30	\$275	\$5,582.50	\$5,359.20
Darryl Geyer (DG)	14.60	14.60	\$275	\$4,015.00	\$3,854.40
Alexis Hoffman (AH)	50.70	50.70	\$275	\$13,942.50	\$13,384.80
Gabby Sergi (GS)	145.60	145.60	\$275	\$40,040.00	\$38,438.40
Gabriela Pelsinger (GP)	84.80	84.80	\$275	\$23,320.00	\$22,387.20
Juliette Mueller (JM)	108.20	108.20	\$275	\$29,755.00	\$28,564.80
Total Hours:	1,485.70	1,485.70		\$554,834.50	\$532,641.12
PLO CLAIMED FEES:					
<u>DISABILITY RIGHTS EDUCATION AND DEFENSE FUND</u>					
Linda Kilb (LK)	0.1	0.1	\$845	\$84.50	\$81.12
Case Clerk	1.70	1.70	\$170	\$289.00	\$277.44
Total Hours:	1.70	1.70		\$373.50	\$358.56
DREDF CLAIMED FEES:					
TOTAL CLAIMED CDCR/AOAP MONITORING FEES:				\$1,271,889.50	\$1,221,013.92

Armstrong v. Brown
Fourth Quarterly Statement of 2018
October 1, 2018 through December 31, 2018
Costs

Matter: CDCR/AOAP Merits/Monitoring

	<u>Costs</u>	Costs Now Owing <u>Per Negotiated</u> <u>Compromise</u>
<u>Rosen, Bien, Galvan & Grunfeld (581-3)</u>		
Photocopying (In house)	\$1,604.00	\$1,539.84
Photocopying/printing (Outside)	\$712.29	\$683.80
Translation/Interpreter Services	\$1,841.20	\$1,767.55
Online Research - PACER, Westlaw	\$155.73	\$149.50
Postage & Delivery	\$184.72	\$177.33
Telephone	\$149.10	\$143.14
Travel - Mileage, Tolls, Food	\$12,174.94	\$11,687.94
Total RBGG Costs:	\$16,821.98	\$16,149.10
 <u>Prison Law Office</u>		
Photocopying (In house)	\$301.80	\$289.73
Interpreter services (SLI)	\$4,793.70	\$4,601.95
Travel - Mileage, Tolls, Food	\$13,696.88	\$13,149.00
Postage & Delivery	\$1,566.10	\$1,503.46
Total PLO Costs:	\$20,358.48	\$19,544.14
 <u>Disability Rights Education & Defense Fund, Inc.</u>		
Photocopying (in-house)	\$61.80	\$59.33
Postage & Delivery	\$18.59	\$17.85
Total DREDF Costs:	\$80.39	\$77.17
 TOTAL CLAIMED CDCR/AOAP MERITS/MONITORING COSTS:	\$37,260.85	\$35,770.42

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Statement of 2018
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NDISPUTED FEES AND COSTS

<u>DISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
\$1,221,013.92	\$35,770.42
INDISPUTED:	\$1,256,784.34

Armstrong v. Brown
Fourth Quarterly Statement of 2018
October 1, 2018 through December 31, 2018

BPH SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
BPH	\$85,276.80	\$762.56
	TOTAL UNDISPUTED:	\$86,039.36

Armstrong v. Brown
Fourth Quarterly Statement of 2018
October 1, 2018 through December 31, 2018
Matter: BPH

<u>BPH (581-4)</u>	Actual	Claimed	2018		Fees Now Owing
	<u>Hours</u>	<u>Hours</u>	<u>Rates</u>	<u>Total</u>	<u>Per Negotiated</u>
<u>BPH MONITORING (581-4)</u>					<u>Compromise</u>
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Ernest Galvan (EG)	2.2	2.2	\$780	\$1,716.00	\$1,647.36
Gay C. Grunfeld (GCG)	4.40	4.40	\$835	\$3,674.00	\$3,527.04
Thomas Nolan (TN)	49.60	49.60	\$700	\$34,720.00	\$33,331.20
Karen Janssen (KJJ)	0.40	0.00	\$525	\$0.00	\$0.00
Benjamin Bien-Kahn (BBK)	0.10	0.00	\$535	\$0.00	\$0.00
Hugo D. Cabrera (HDC)	11.50	11.50	\$410	\$4,715.00	\$4,526.40
Karen Stilber (KES)	1.60	1.60	\$340	\$544.00	\$522.24
Dylan Verner-Crist (DVC)	0.30	0.00	\$240	\$0.00	\$0.00
Marcus V. Levy (MVL)	0.70	0.00	\$240	\$0.00	\$0.00
Nathalie C. Welch	3.80	1.30	\$240	\$312.00	\$299.52
Total Hours:	74.60	70.60			
RBGG CLAIMED FEES:				\$45,681.00	\$43,853.76
<u>PRISON LAW OFFICE</u>					
Sara Norman (SN)	9.80	9.80	\$790	\$7,742.00	\$7,432.32
Rita Lomio (RL)	18.60	18.60	\$615	\$11,439.00	\$10,981.44
Rana Anabtawi (RA)	44.80	44.80	\$535	\$23,968.00	\$23,009.28
Total Hours:	73.20	73.20			
PLO CLAIMED FEES:				\$43,149.00	\$41,423.04
TOTAL CLAIMED FEES FOR					
BPH WORK:				\$88,830.00	\$85,276.80

Armstrong v. Brown
Fourth Quarterly Statement of 2018
October 1, 2018 through December 31, 2018
Costs

Matter: BPH

Costs Now Owing

Rosen, Bien, Galvan & Grunfeld (581-4)

Costs

**Per Negotiated
Compromise**

Photocopying (In house)	\$18.20	\$17.47
Telephone	\$0.60	\$0.58
Travel - Mileage, Tolls, Food	\$333.86	\$320.51
Total RBGG Costs:	\$352.66	\$338.55

Prison Law Office

Travel - Mileage, Tolls, Food

	\$441.67	\$424.00
Total PLO Costs:	\$441.67	\$424.00

TOTAL CLAIMED BPH COSTS:	\$794.33	\$762.56
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EXHIBIT C

Armstrong v. Brown
Fourth Quarterly Statement of 2018
October 1, 2018 through December 31, 2018

DAPO SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COST</u>
DAPO MONITORING	\$209,897.76	\$4,142.60
	TOTAL UNDISPUTED:	\$214,040.36

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n

DAPO Monitoring (581-9)

ROSEN, BIEN, GALVAN & GRUNFE

Michael W. Bien (MWB)
Gay C. Grunfeld (GCG)
Ernest Galvan (EG)
Penny Godbold (PG)
Thomas Nolan (TN)
Michael L. Freedman (MLF)
Benjamin Bien-Kahn (BBK)
Krista Stone-Manista (KSM)
Jenny S. Yelin (JSY)
Hugo D. Cabrera (HDC)
Karen Stilber (KES)
F. Gail LaPurja (FGL)
Marcus V. Levy (MVL)
Fely Villadelgado (FFV)
Nathalie Welch (NCW)
Dylan Verner-Crist (DVC)
Hanna Wallace (HW)

Total H

RBGG CLAIMED FEES:

**TOTAL CLAIMED FOR DAPO
MONITORING WORK:**

EXHIBIT B

Armstrong v. Brown
Fourth Quarterly Statement of 2018
October 1, 2018 through December 31, 2018
Costs

Matter: DAPO Monitoring

<u>Rosen, Bien, Galvan & Grunfeld (581-9)</u>	<u>Costs</u>	Costs Now Owing
		<u>Per Negotiated</u> <u>Compromise</u>
Photocopying (in-house)	\$814.20	\$781.63
Photocopying (outside)	\$179.77	\$172.58
Westlaw	\$392.57	\$376.87
Inhouse Postage	\$57.35	\$55.06
Long distance telephone charges	\$1.35	\$1.30
Travel - Mileage, Tolls, Food	\$2,869.97	\$2,755.17
Total RBGG Costs:	\$4,315.21	\$4,142.60
TOTAL CLAIMED DAPO MONITORING COSTS:	\$4,315.21	\$4,142.60

EXHIBIT D

Armstrong v. Brown
Fourth Quarterly Statement of 2018
October 1, 2018 through December 31, 2018

SUMMARY OF UNDISPUTED FEES WORK AND COSTS

	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
FEES WORK (ALL MATTERS)	\$13,072.32	\$239.55
TOTAL UNDISPUTED:		\$13,311.87

Armstrong v. Brown
Fourth Quarterly Statement of 2018
October 1, 2018 through December 31, 2018
Matter: All Matters Fees Work

<u>Fees (581-2)</u>	Actual	Claimed	2018		Fees Now Owing
	<u>Hours</u>	<u>Hours</u>	<u>Rates</u>	<u>Total</u>	<u>Per Negotiated</u>
					<u>Compromise</u>
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Gay C. Grunfeld (GCG)	7.40	7.20	\$835	\$6,012.00	\$5,771.52
Karen E. Stilber (KES)	14.80	14.00	\$340	\$4,760.00	\$4,569.60
Linda H. Woo (LHW)	0.20	0.00	\$225	\$0.00	\$0.00
Total Hours:	22.40	21.20			
RBGG CLAIMED FEES:				\$10,772.00	\$10,341.12
<u>PRISON LAW OFFICE</u>					
Rita Lomio	1.50	1.50	\$615	\$922.50	\$885.60
Margot Mendelson (MKM)	1.00	1.00	\$535	\$535.00	\$513.60
Ashley Kirby (AK)	5.40	5.40	\$210	\$1,134.00	\$1,088.64
Total Hours:	7.90	7.90			
PLO CLAIMED FEES:				\$2,591.50	\$2,487.84
<u>DISABILITY RIGHTS EDUCATION AND</u>					
<u>DEFENSE FUND</u>					
Linda Kilb (LDK)	0.30	0.30	\$845	\$253.50	\$243.36
Total Hours:	0.30	0.30			
DREDF CLAIMED FEES:				\$253.50	\$243.36
TOTAL CLAIMED FEES FOR					
ARMSTRONG FEES WORK:				\$13,617.00	\$13,072.32

Armstrong v. Brown
Fourth Quarterly Statement of 2018
October 1, 2018 through December 31, 2018
Costs

Matter: Fees Work in All Matters

<u>Rosen, Bien, Galvan & Grunfeld (581-2)</u>	Costs	Costs Now Owing
		<u>Per Negotiated</u> <u>Compromise</u>
Photocopying and Printing (in-house)	\$194.60	\$186.82
Postage & Delivery	\$46.53	\$44.67
Total RBGG Costs:	\$241.13	\$231.48
<u>Disability Rights Education & Defense Fund, Inc.</u>	Costs	Costs Now Owing
		<u>Per Negotiated</u> <u>Compromise</u>
Photocopying (in-house)	\$8.40	\$8.06
Total DREDF Costs:	\$8.40	\$8.06
TOTAL CLAIMED FEES WORK COSTS :	\$249.53	\$239.55